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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,575	03/29/2001	Akira Hirai	1232-4697	2867

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EXAMINER
BARBER, THERESE

ART UNIT	PAPER NUMBER
2882	3

DATE MAILED: 07/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application N .	Applicant(s)	
	09/820,575	HIRAI, AKIRA	
	Examiner	Art Unit	
	Therese Barber	2882	

-- The MAILING DATE of this communication app ars on the cover sh et with the correspond nce address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *29 March 2001* .

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-36* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-36* is/are rejected.

7)☒ Claim(s) *1-36* is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☒ All b)☐ Some * c)☐ None of:

1.☒ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .
4) ☐ Interview Summary (PTO-413) Paper No(s). _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: .

DETAILED ACTION

Priority

1. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d). The certified copy has been filed in parent Application No. 09/820,575, filed on 29 March 2001.

Information Disclosure Statement

2. The listing of references in the specification is not a proper information disclosure statement. 37 CFR 1.98(b) requires a list of all patents, publications, or other information submitted for consideration by the Office, and MPEP § 609 A(1) states, "the list may not be incorporated into the specification but must be submitted in a separate paper." Therefore, unless the references have been cited by the examiner on form PTO-892, they have not been considered.

For example, the applicant has listed US patents on page 3 of the specification but has not provided PTO-1449 and copies of the patents.

Appropriate correction is required.

Specification

3. The specification is objected to because of the following informalities:

4. A substitute specification in proper idiomatic English and in compliance with 37 CFR 1.52(a) and (b) is required. The substitute specification filed must be accompanied by a statement that it contains no new matter.

For example, the specification contains numerous one-sentence paragraphs, which is atypical of Standard English practice and the specification contains spelling errors.

5. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Appropriate correction is required.

Claim Objections

6. Claims 1-36 are objected to because of the following informalities:

7. Regarding claims 1-36, the claims appear to be a literal translation from Japanese to English, making it difficult to ascertain the novelty of the claim language as written.

8. Regarding claims 3, 5, 7, 12, 14, 16, 21, 23, 25, 29, 31 and 33, the term "a longest time" should be changed to the term "the longest time". In addition, the specification does not clearly define what the time frame "a longest time" is trying to encompass.

9. Regarding claim 6, there are 2-claim 5 in the instant application. It appears that the second claim 5 should be renumbered as claim 6.

10. Regarding claims 9, 18, 35 and 36, the claims should be rewritten according to standard US format.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

12. Claims 1-34 are rejected under 35 U.S.C. 102(b) as being anticipated by Griesmer et al. (USPN 5,379,335).

13. Regarding claims 1, 8, 19 and 26, Griesmer discloses an imaging apparatus with irradiation means (col. 4, lines 65-66) wherein the system has control means (col. 5, lines 1-8) which can control the irradiation timing on the basis of the delay time signal determined from the actual irradiation exposure and instruction from the controller (col. 5, lines 53-68).

14. Regarding claims 2 and 20, Griesmer discloses an imaging apparatus with irradiation means (col. 4, lines 65-66) wherein the system has control means (col. 5, lines 4-8) which can control the irradiation timing on the basis of the delay time signal determined from the actual irradiation exposure and initialization time of the image sensing means (col. 6, lines 9-15).

15. Regarding claims 3 and 21, Griesmer discloses an imaging apparatus with irradiation means (col. 4, lines 65-66) wherein the system has control means (col. 5, lines 4-8) which can determine the duration of the delay time and the initialization time of the image sensing means (col. 6, lines 9-15) after input by a user (col. 5, lines 56-68 and col. 6, lines 1-5).

16. Regarding claims 4 and 22, Griesmer discloses an imaging apparatus with irradiation means (col. 4, lines 65-66) that transmits light through an object through a grid (col. 5, lines 9-15), wherein the system has control means (col. 5, lines 4-8) which can controls the duration of

the delay time (col. 6, lines 9-15) and the initialization time of grid movement (col. 6, lines 65-68 and col. 7, lines 5-11).

17. Regarding claims 5 and 23, Griesmer discloses an imaging apparatus with irradiation means (col. 4, lines 65-66) that transmits light through an object through a grid (col. 5, lines 9-15), wherein the system has control means (col. 5, lines 4-8) which can determine the duration of the delay time (col. 6, lines 9-15) and the initialization time of grid movement (col. 6, lines 65-68 and col. 7, lines 5-11) after input by a user (col. 5, lines 56-68 and col. 6, lines 1-5).

18. Regarding claims 6 and 24, Griesmer discloses an imaging apparatus with irradiation means (col. 4, lines 65-66) wherein the system has control means (col. 5, lines 4-8) which can which can determine the duration of the delay time from the initialization time of grid movement (col. 6, lines 65-68 and col. 7, lines 5-11) and the imaging sensing means (col. 5, lines 13-15) after input by a user (col. 5, lines 56-68 and col. 6, lines 1-5).

19. Regarding claims 7 and 25, Griesmer discloses an imaging apparatus with irradiation means (col. 4, lines 65-66) wherein the system has control means (col. 5, lines 4-8) which can which can determine the duration of the delay time from the imaging sensing means (col. 5, lines 13-15) and the initialization time of grid movement (col. 6, lines 65-68 and col. 7, lines 5-11) and after input by a user (col. 5, lines 56-68 and col. 6, lines 1-5).

20. Regarding claim 9, Griesmer discloses an imaging system that has irradiation means for irradiating an object with radiation (col. 4, lines 65-68 and col. 5, lines 9-12) wherein at least one of the devices has the function of an imaging apparatus (col. 5, lines 13-15).

21. Regarding claims 10, 27, and 34, Griesmer discloses an imaging system with irradiation means (col. 4, lines 65-66) wherein the system has control means (col. 5, lines 4-8) which can control the irradiation timing on the basis of the initialization time of grid movement (col. 7, lines 7-11).

22. Regarding claims 11 and 28, Griesmer discloses an imaging system with irradiation means (col. 4, lines 65-66) wherein the system has control means (col. 5, lines 4-8) which can control the irradiation timing on the basis of a delay time defined as the time between the actual irradiation and the initialization time of grid movement (col. 6, lines 65-68 and col. 7, lines 5-11).

23. Regarding claims 12 and 29, Griesmer discloses an imaging system with irradiation means (col. 4, lines 65-66) wherein the system has control means (col. 5, lines 4-8) which can determine the duration of the delay time and the initialization time of grid movement (col. 6, lines 65-68 and col. 7, lines 5-11) after input by a user (col. 5, lines 56-68 and col. 6, lines 1-5).

24. Regarding claims 13 and 30, Griesmer discloses an imaging system with irradiation

means (col. 4, lines 65-66) wherein the system has control means (col. 5, lines 4-8) which can control the irradiation timing on the basis of the imaging sensing means (col. 5, lines 13-15) and the initialization time of grid movement (col. 7, lines 7-11).

25. Regarding claims 14 and 31, Griesmer discloses an imaging system with irradiation means (col. 4, lines 65-66) wherein the system has control means (col. 5, lines 4-8) which can which can determine the duration of the delay time from the initialization time of grid movement (col. 6, lines 65-68 and col. 7, lines 5-11) and the imaging sensing means (col. 5, lines 13-15) after input by a user (col. 5, lines 56-68 and col. 6, lines 1-5).

26. Regarding claims 15 and 32, Griesmer discloses an imaging system with irradiation means (col. 4, lines 65-66) wherein the system has control means which can which can control the irradiation timing based on the actual irradiation time (col. 5, lines 16-22), the initialization time of grid movement (col. 6, lines 65-68 and col. 7, lines 5-11) and the imaging sensing means (col. 5, lines 13-15).

27. Regarding claims 16 and 33, Griesmer discloses an imaging system with irradiation means (col. 4, lines 65-66) wherein the system has control means which can which can determine the duration of the delay time from the actual irradiation time (col. 5, lines 16-22), from the initialization time of grid movement (col. 6, lines 65-68 and col. 7, lines 5-11) and the imaging sensing means (col. 5, lines 13-15) after input by a user (col. 5, lines 56-68 and col. 6, lines 1-5).

28. Regarding claims 17 and 18, Griesmer discloses an imaging system that has irradiation means for irradiating an object with radiation (col. 4, lines 65-68 and col. 5, lines 9-12) wherein at least one of the devices has the function of an imaging apparatus (col. 5, lines 13-15).

Claim Rejections - 35 USC § 103

29. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

30. Claims 35 and 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Greismer.

Regarding claims 35 and 36, official notice is hereby cited because it is well known in the art that current x-ray imaging systems are controlled by a computer system. It would have been obvious to one having ordinary skill in the art at the time the invention was made that the imaging system with irradiation means (col. 4, lines 65-66) wherein the system has control means (col. 5, lines 1-8) which can control the irradiation timing on the basis of the delay time signal determined from the instruction and actual irradiation exposure (col. 5, lines 53-68) as disclosed by Greismer is controlled by a computer system. Accordingly, the motivation is to utilize the fast processing speed of the computer processor and the hard disk drive to store information from the data obtained from the imaging system and from computer software

programs. In addition, computers utilized by individuals, industry and academia contain storage mediums, such as CD-reader/writer, Zip drive, Jaz drive, which are integrated into the computer system, in order to provide additional storage space for the large volume of data.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Therese Barber whose telephone number is (703) 306-0205. The examiner can normally be reached on Monday to Friday from 8:30 a.m. to 6:00 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Kim can be reached on (703) 305-3492. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-4857 for regular communications and (703) 308-7722 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4900.

tb
June 28, 2002

David P. Porta
Primary Examiner